



UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Office of the Chair

**Statement of Chair Lina M. Khan
Joined by Commissioner Rebecca Kelly Slaughter
and Commissioner Alvaro M. Bedoya
On the Adoption of the Statement of Enforcement Policy Regarding
Unfair Methods of Competition Under Section 5 of the FTC Act**

November 10, 2022

When Congress passed the FTC Act, it gave the Commission a new law for that agency to enforce. Section 5 of the Act provides that

conduct that would not necessarily run afoul of the Sherman Act. We now call these

competition, 'unfair,' and 'tendency to harm competitive conditions.' We also identify the types of justifications the Commission will and will not consider, in accordance with the relevant case law.

Inasmuch as the policy statement does not neatly set out a bounded list of prohibited proscribed tactics because they knew that such a list would quickly become outdated. Congress instead tasked the FTC with concretizing the meaning of 'unfair methods of competition'